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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
50277-2318

Pursuant to 37 CFR 1.8(a)(1)(ii) I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the electronic filing system in accordance with 37 CFR §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

on 04/03/2008

Signature /christophermtanner#41518/

Typed or printed name Christopher M. Tanner

Application Number	Filed
10/697,073	10/29/2003
First Named Inventor	
Sashikanth Chandrasekaran	
Art Unit	**Examiner**
2194	Nguyen, V. H.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 41,518.

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

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04/03/2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Confirmation No.: 8113
	)	
Sashikanth Chandrasekaran	)	Group Art Unit: 2194
	)	
Application No. 10/697,073	)	Examiner: Nguyen, Van H
	)	
Filed: October 29, 2003	)	

For: EFFICIENT EVENT NOTIFICATION IN CLUSTERED COMPUTING ENVIRONMENTS

Mail Stop AF, Pre-Appeal Conference
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ARGUMENTS FOR PRE-APPEAL BRIEF REVIEW

Currently, Claims 1-47 and 49-59 are pending in this application. Claims 1-11, 14, 19-20, 22-32, 35, 40-41, 43-51, 53-57, and 59 were rejected under 35 U.S.C. § 102(e) as being anticipated by US Application No. 2004/0088715 to Korall (Office Action mailed November 27, 2007, Page 4, Paragraph 2), and this rejection was sustained in an Advisory Action mailed March 5, 2008.

The Examiner's rejection of Claims 1 and 47, among others, is clearly improper and without basis. For convenient reference, Claim 1 is repeated in its entirety.

> 1. A computer implemented method for communicating data in a clustered computing system, the method comprising:
> detecting an occurrence of an initial event at a first node of the system;
> detecting an occurrence of one or more subsequent events at the first node of the system;
> determining that the information about the initial event is identical to the information about said one or more subsequent events;
> in response to determining that the information about the initial event is identical to the information about said one or more subsequent events, appending, onto an existing message, a notification that includes information that describes a single instance of an event selected from a set of events that consists of (a) said initial event; and (b) said one or more subsequent events;

propagating the notification to a receiving node,
wherein the message is destined to be propagated to the receiving node,
wherein the receiving node is not a node sending the message.

Various portions of Claim 1 are clearly not met by the cited references. The failure of the prior at to satisfy several of these limitations has been explained in detail in previous communications (e.g. Response to Office Action of January 27, 2008), so that these arguments will not be repeated.

Instead, Applicant first notes that the rejections of Claims 1 and 47 do not break down the rejections element by element or step by step, but instead merely globally state that all claimed elements and steps can be found in [0013]-[0014] and [0028]-[0048] of Korall. Thus, even setting aside the merits of the references asserted therein, the various rejections themselves are vague and unspecific.

For example, the claimed "detecting an occurrence of one or more subsequent events at the first node" is not shown in Korall. The Final Office Action (end of page 6, beginning of page 7) states that this feature is shown Korall's paragraphs [0013]-[0014] and [0028]-[0048], but then gives no further information. The cited sections of Korall refer to a combining a message with additional personalized information, such as advertisement (Korall, paragraph [0029]). These sections also discuss appending the personalized information to the original message (Korall, paragraph [0043]).

Having no better information to rely upon, it will be assumed that the Office Action intends for Korall's notification message (paragraphs [0023]-[0025]) to correspond to the claimed occurrence of an initial event. Additionally, it will be assumed that Korall's "additional information" (paragraphs [0028] and [0034]) are intended to correspond to the claimed "information about . . . one or more subsequent events". However, the Korall

invention does not "detect the occurrence" of these events, but instead "causes" these events, based on whether an intended recipient is entitled to receive an interactive notification message (Korall paragraph [0026]). Thus, Korall's appending process does not occur as a result of the occurrence of a subsequent event, but instead occurs because of the occurrence of the first, initial event, the triggering of a notification message (paragraph [0023]).

Similarly, the Final Office Action also states that the step of "determining that the information is identical" is shown Korall's paragraphs [0013]-[0014] and [0028]-[0048], but does not explain where or in what context. This feature is not contained in Korall whatsoever, which does not contain the word "identical" whatsoever, nor any synonym such as "duplicate". From the West Search History performed by the Examiner on November 25, 2007 for this application, it is apparent that the Examiner attempted to search using the entry "identical OR duplicate$" (West Search History, entry L34), thus showing an appreciation for the value of this claim. However, the Korall reference asserted herein does not contain these terms, and it appears that the Office Action completely ignores this feature entirely.

To ignore this feature is to misunderstand the claims. One reason why Applicant makes a determination about identical messages is efficiency, so as to condense multiple duplicative messages into a single message, thereby avoiding redundancy. Korall has no provision for determining whether any messages are identical or not, either original or appended, and is not whatsoever concerned with this problem.

The Office Action further asserts that "appending a notification onto an existing message" is, again, shown Korall's paragraphs [0013]-[0014] and [0028]-[0048]. Having no better information to go by, the rejection may be referring to the interactive voice mail notification (IVMN) application 104 which appends information to an original notification message (paragraph [0028]). Additionally, the rejection may be referring to a notification

message having additional info appended thereto (paragraph [0034]. In either case, the rejection is invalid because Korall's appended information is not a notification of anything, but instead a form of advertising such as an offer to receive a specific ring tone (paragraph [0034]). Korall's original message can be a notification, such as to notify a subscriber that one or more phone calls were missed (paragraph [0034]) or receipt of e-mail or fax (paragraph [0030]). However, Korall's appended information is never a notification, but instead may be an advertisement or offer that reflects the subscriber's personal interest (paragraph [0034]). Also, Korall's appending does not occur "in response to determining that the information about the initial event is identical to the information about said one or more subsequent events", as claimed. Consequently, the rejection is defective. This rejection appears to be an example of relying on text searching for prior art references for use in making a rejection, but doing so without making a thorough comparison of those references with the claims.

More information about how Applicant uses the term "notification" can be found at least within paragraphs [0005] and [0006] of Applicant's specification. Applicant's notifications are often related to specific events which can serve as wake-up mechanisms. Applications that handle a significant number of events are dependent on delivery information and efficient event notifications. Notifications can span across nodes of a computing environment. For example, in a distributed database system, processes in different nodes will send query parameters and return query results. Accordingly, in clustered computing environments, there are potentially thousands of messages sent between nodes per second. In addition, event notifications are also sent across nodes (Applicant's specification, paragraphs [0005] and [0006]). This is completely different from how Korall uses the term "notification", which in Korall are not sent across computer nodes, but are instead sent to humans operating a communication device such as a cellphone.

Additionally, the Office Action also does not specifically discuss the claimed "clustered computing system", which again was globally rejected as being contained within Korall's paragraphs [0013]-[0014] and [0028]-[0048]. Having no better information to go by, the rejection may be referring to Korall's short message service center SMSC 102 (paragraph [0024]) and/or IVMN application 104 (paragraphs [0026]-[0028]). However, these elements are never described as being part of a clustered environment, or having multiple nodes, and thus cannot correspond to the claimed clustered computing system

The Examiner's rejections of Claims 1 and 47 based on Korall thus constitute clear error.

OTHER CLAIMS

The rest of the pending claims in the Application either contain limitations similar to those discussed above with respect to Claim 1 and 47, or depend directly or indirectly on claims which contains those limitations. Because each of the dependant claims includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable.

Respectfully submitted,
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April 03, 2008

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